

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

IN RE: YASMIN AND)	3:09-md-02100-DRH-PMF
YAZ(DROSPIRENONE) MARKETING,)	MDL No. 2100
SALES PRACTICES AND PRODUCTS)	
LIABILITY LITIGATION)	
)	

This Document Relates to:

Kaelee Brown v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:09-cv-10148-DRH-PMF

Sheryl Camp v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:10-cv-10089-DRH-PMF

Jessica Colby v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:09-cv-10181-DRH-PMF

Ali Denny v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:10-cv-10085-DRH-PMF

Lesley Ann Dunnagan v. Bayer Corp. et al. No. 3:10-cv-20029-DRH-PMF

Alicia Eck v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:10-cv-10144-DRH-PMF

Phyllia Greco v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:09-cv-10128-DRH-PMF

Keeley Harris v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:10-cv-10032-DRH-PMF

Ashley Hill v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:10-cv-10141-DRH-PMF

Taiga Hilliard v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:10-cv-10140-DRH-PMF

Jannie Hornby v. Bayer Corp. et al. No. 3:10-cv-10105-DRH-PMF

Jeanna Johnson v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:09-cv-10125-DRH-PMF

Darlene LaBelle v. Bayer Corp. et al. No. 3:09-cv-10088-DRH-PMF2

Anju Lodato v. Bayer Corp. et al. No. 3:10-cv-10131-DRH-PMF

Tataka McGaha v. Bayer Corp. et al. No. 3:10-cv-20222-DRH-PMF

Shana McMillan v. Bayer Corp. et al. No. 3:10-cv-10048-DRH-PMF

Gail Myers v. Bayer Corp. et al. No. 3:10-cv-10020-DRH-PMF

Cassie O'Bier v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:10-cv-10021-DRH-PMF

Kandi Pool v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:09-cv-10204-DRH-PMF

Brittany Sloan v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:10-cv-10121-DRH-PMF

Rhonda Spencer v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:10-cv-10111-DRH-PMF

Brandi Stephens v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:10-cv-10012-DRH-PMF

Susan Thompson v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:10-cv-10115-DRH-PMF

Jessica Underwood v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:09-cv-10074-DRH-PMF

Anna Vidaurri v. Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:10-cv-10008-DRH-PMF

Makelia Wingard v.Bayer HealthCare Pharmaceuticals, Inc. et al. No. 3:10-cv-10100-DRH-PMF

ORDER

HERNDON, Chief Judge:

This matter is before the Court on Defendant Bayer HealthCare Pharmaceuticals Inc.'s motion, pursuant to Case Management Order 12 ("CMO 12"), for an Order **dismissing** Plaintiffs' claims in the above-captioned matters **with prejudice** for failure to comply with their Plaintiff Fact Sheet ("PFS") obligations.

On October 4, 2010, Bayer HealthCare Pharmaceuticals Inc. moved to dismiss the *Brown, Camp, Colby, Denny, Eck, Greco, Harris, Hill, Hilliard, Johnson, and Thompson* matters without prejudice for Plaintiffs' failure to comply with their PFS obligations.¹ The Court granted the motion on October 29, 2010.²

On October 6, 2010, Bayer HealthCare Pharmaceuticals Inc. moved to dismiss the *O'Bier, Pool, Sloan, Spencer, Stephens, Underwood, Vidaurri,*

¹ Brown DOC. 31; Camp DOC. 19; Colby DOC. 31; Denny DOC. 19; Eck DOC. 19; Greco DOC. 31; Harris DOC. 20; Hill DOC. 19; Hilliard DOC. 19; Johnson DOC. 31; Thompson DOC. 19.

² Brown DOC. 32; Camp DOC. 20; Colby DOC. 32; Denny DOC. 20; Eck DOC. 20; Greco DOC. 32; Harris DOC. 21; Hill DOC. 20; Hilliard DOC. 20; Johnson DOC. 32; Thompson DOC. 20.

and *Wingard* matters without prejudice for Plaintiffs' failure to comply with their PFS obligations.³ The Court granted the motion on October 29, 2010.⁴

On October 26, 2010, Bayer HealthCare Pharmaceuticals Inc. moved to dismiss the *McGaha* matter without prejudice for Plaintiff's failure to comply with her PFS obligations.⁵ The Court granted the motion on November 18, 2010.⁶

On October 27, 2010, Bayer HealthCare Pharmaceuticals Inc. moved to dismiss the *Hornby*, *LaBelle*, *Lodato*, *McMillan*, and *Myers* matters without prejudice for Plaintiffs' failure to comply with their PFS obligations.⁷ The Court granted the motion on November 18, 2010.⁸

On November 12, 2010, Bayer HealthCare Pharmaceuticals Inc. moved to dismiss the *Dunnagan* matter without prejudice for Plaintiff's failure to comply with her PFS obligations.⁹ The Court granted the motion on November 29, 2010.¹⁰

More than 60 days since entry of the orders of dismissal without prejudice have passed, and Plaintiffs have not complied with their PFS

³ O'Bier DOC. 20; Pool DOC. 21; Sloan DOC. 19; Spencer DOC. 19; Stephens DOC. 20; Underwood DOC. 34; Vidaurri DOC. 19; Wingard DOC. 18.

⁴ O'Bier DOC. 21; Pool DOC. 22; Sloan DOC. 20; Spencer DOC. 20; Stephens DOC. 21; Underwood DOC. 36; Vidaurri DOC. 21; Wingard DOC. 19.

⁵ McGaha DOC. 17.

⁶ McGaha DOC. 18.

⁷ Hornby DOC. 19; LaBelle DOC. 35; Lodato DOC. 19; McMillan DOC. 20; Myers DOC. 20.

⁸ Hornby DOC. 20; LaBelle DOC. 36; Lodato DOC. 20; McMillan DOC. 21; Myers DOC. 21.

⁹ Dunnagan DOC. 16.

¹⁰ Dunnagan DOC. 17.

obligations. Accordingly, pursuant to Section E of CMO 12, Defendant Bayer HealthCare Pharmaceuticals Inc. requests an Order converting the dismissals without prejudice to dismissals with prejudice. Having considered the motion and the relevant provisions of CMO 12 the Court **ORDERS** as follows:

Plaintiffs in the above captioned actions have failed to comply with their obligations pursuant to CMO 12 and more than 60 days have passed since the entry of the order of dismissal without prejudice for failure to comply with CMO 12. Accordingly, pursuant to Section E of CMO 12, **Plaintiffs complaints are hereby dismissed with prejudice.**

SO ORDERED:



Digitally signed by David R. Herndon
DN:cn=David R. Herndon, o=Southern District of
IL, ou=U. S. District Court,
email=judge_herndon@lisd.uscourts.gov, c=US
Date: 2011.03.14 16:25:13 -05'00'

Chief Judge
United States District Court

Date: March 14, 2011